

ESTTA Tracking number: **ESTTA463310**

Filing date: **03/22/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204174
Party	Plaintiff Aequitas Capital Management, Inc.
Correspondence Address	Christopher D. Erickson Tonkon Torp LLP 888 SW Fifth Avenue1600 Pioneer Tower Portland, OR 97204 UNITED STATES chris.erickson@tonkon.com, lisa.gabel@tonkon.com
Submission	Motion to Amend Pleading/Amended Pleading
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Date	03/22/2012
Attachments	03-22-12 Motion to Amend - EQUITAS.pdf (7 pages)(580876 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Service Mark Application Serial No. 85199732

Filed: December 16, 2010

Mark: EQUITAS

Published for Opposition: November 8, 2011

Aequitas Capital Management, Inc., Opposer, v. Asesorias Y Servicios Legales Limitada, Applicant.	Opposition No. 91204174
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MOTION TO AMEND

On March 6, 2012, Opposer filed with the Board a Notice of Opposition against U.S. Service Mark Application Serial No. 85199732. The Opposition proceeding was initiated by the Board and given proceeding number 91204174. It has come to Opposer's attention that Page 2 is missing from the Notice of Opposition document currently available on TTABVUE.

Opposer files this Motion to Amend to ensure that the original and complete Notice of Opposition (attached hereto as Exhibit A) is available on TTABVUE. Opposer has previously provided Applicant's Attorney of Record with the original and complete Notice of Opposition.

DATED: March 22, 2012.




Christopher D. Erickson
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CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing Motion to Amend to be sent via Express Mail, postage paid, on March 22, 2012, to Applicant's Attorney of Record as follows:

Perla M. Kuhn
Edwards Wildman Palmer LLP
750 Lexington Avenue
New York, NY 10022



Christopher D. Erickson
Attorney for Opposer

033552/09000/3455951v1

Exhibit A

Attached.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Service Mark Application Serial No. 85199732

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NOTICE OF OPPOSITION

The party opposing registration of the above-referenced service mark application is Aequitas Capital Management, Inc., an Oregon corporation ("Opposer"), with a business address of 5300 Meadows Road, Suite 400, Lake Oswego, Oregon 97035.

Opposer believes that it will be damaged by registration of the above-referenced mark, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer has adopted and has continuously used the service marks AEQUITAS and AEQUITAS CAPITAL in United States commerce since at least as early as 2005, in connection with investment management, investment product development, financial consulting, commercial lending, and related financial services. By virtue of Opposer's continuous use of AEQUITAS and AEQUITAS CAPITAL in commerce, its expenditure of considerable sums of money for promotional activities, and the excellence of its services, Opposer has gained valuable goodwill in, and a valuable reputation throughout the United States for, its marks AEQUITAS and AEQUITAS CAPITAL, and the public has come to associate the AEQUITAS and AEQUITAS CAPITAL marks with Opposer and Opposer's services.

2. Opposer is the owner of valid and subsisting U.S. Service Mark Application Serial Nos. 85526579 and 85526592 ("Opposer's Applications") for AEQUITAS

CAPITAL, for the following services in International Class 36: "Investment management services; investment product development services, namely, custom design of capital investment vehicles and capital investment funds for customers; Investment services, namely, asset acquisition, consultation, development and management services; Management of capital investment vehicles and capital investment funds; Financial consulting; Commercial lending services, other than real estate mortgages."

3. Asesorias Y Servicios Legales Limitada, a corporation organized under the laws of Chile, with an address of San Sebastián 2839, Oficina 608 Las Condes, Santiago, Chile ("Applicant"), is the owner of U.S. Service Mark Application Serial No. 85199732 ("Applicant's Application") for EQUITAS ("Applicant's Mark"), for the following services in International Class 36: "Financial advisory services and financial asset management."

4. On December 6, 2011 and January 3, 2012, Opposer was granted extensions of time, by the TTAB, to oppose Applicant's Application.

5. Applicant's Application was filed in part on an intent-to-use basis under §1(b) of the Lanham Act, and therefore, as of the filing date for Applicant's Application (December 16, 2010), upon information and belief, Applicant had not yet used Applicant's Mark in United States commerce to promote the relevant services.

6. Opposer's first use of AEQUITAS and AEQUITAS CAPITAL to promote the relevant services in commerce was at least as early as 2005. Hence, Opposer has priority of use.

7. Applicant's Mark EQUITAS: (i) is confusingly similar to Opposer's marks AEQUITAS and AEQUITAS CAPITAL; and (ii) is used to promote services that are identical and/or closely related to those services offered by Opposer under its AEQUITAS and AEQUITAS CAPITAL marks. Applicant's Mark is therefore deceptively similar to Opposer's marks AEQUITAS and AEQUITAS CAPITAL, as to cause confusion and lead to deception as to the origin of Applicant's services promoted under Applicant's Mark. Such likelihood of confusion is a source of damage and injury to Opposer.

8. If Applicant were granted the registration opposed herein, Applicant would thereby obtain at least a prima facie exclusive right to use Applicant's Mark on or in connection with the relevant services. Such registration would serve as a source of damage and injury to Opposer, and could result in the USPTO's refusal of Opposer's Applications.

THEREFORE, Opposer prays that Applicant's Application be rejected and that Applicant's Mark be refused registration.

The filing fee of \$300 for opposition of Applicant's Mark is accompanied herewith as required by 37 CFR § 2.6.

DATED: March 6, 2012.



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